THE PICTURE OF THE Councell of State,

Held forth to the

Free People of England

BY

Lieut. Col. *John Lilburn*, M. *Thomas Prince*, and M. *Richard Overton*, now priſoners in the Tower of LONDON,

For bearing teſtimony to the Liberties of *England* againſt the preſent Tyrants at WHITE-HALL, and their Aſſociates.

OR,

A full NARRATIVE of the late extrajudiciall and Military Proceedings againſt them.

Together with the Subſtance of their ſeverall Examinations, Anſwers, and Deportments before them at *Derby*-houſe, upon *March* 28 laſt.

The ſecond Edition, with many large Additions by the Authours themſelves.

Printed in the Yeer, 1649.

THE PICTURE OF THE Council of State,

Held forth to the

Free People of England

BY

Lieut. Col. *Jehu Lilburn*, Mr. *Thomas Prince*, and Mr. *Richard Overton*, now prisoners in the Tower of LONDON,

For bearing testimony to the Liberties of England against the present Tyrant the WHITE-HALL, and their Assistants.

OR,

A full NARRATIVE of the late extrajudicial and arbitrary Proceedings against them.

Together with the Substance of their severall Examinations, Answers, and Deportments before them at *Derby-house*, upon *March* 28 last.

The second Edition, with many large Additions by the Authors themselves.

Printed in the Year, 1649.

THE PICTURE OF THE Councel of State:

Held forth to the Free People of England, by Lieut. Col. John Lilburn, *Mr.* Thomas Prince, *and Mr.* Richard Overton.

The Narrative of the Proceedings againſt Lieutenant Col. John Lilburn *thus followeth.*

ON *Wedneſday* the 28 of *March* 1649, about four or five a clock in the morning, my lodging at *Wincheſter-houſe* in *Southwark*, was beſet with about 100 or 200 armed men, Horſe and Foot, one of which knocking at my Chamber-door, I roſe and opened him the door, and aſked him who he would ſpeak with, and what he would have? He replyed, he was come to take me priſoner; whereupon I demanded of him to ſee his Warrant; he told me he had one, but had it not here, but as ſoon as I came to *Pauls* I ſhould ſee it; I told him, if he walked by the rules of juſtice, he ought to have brought his Warrant with him, and to have ſhewed it me, and given me leave to have copied it out, if I had deſired it. But divers of the foot Souldiers ruſhing into my room at his heels, I deſired him to demean himſelf like a Gentleman, and not with any incivilities affright my children and family; for if it were nothing but my perſon he would have, I would but make me ready, and go along with him without any more ado, whither he would carry me; for his power of armed men was beyond my preſent reſiſting, or power to diſpute: ſo I deſired him and another Gentleman with him to ſit down, which they did; and when I was almoſt ready to go, I demanded of him whether it would not fully ſatisfie his end, in my going along with him and one or two more of his company in a boat, and I would ingage unto him as I was an Engliſh man, there ſhould be no diſturbance to him by me, or any in my behalf, but I would quietly and peacebly go with him where-ever he would have me: but he told me no, I muſt march thorow the ſtreets with the ſame

Guard that came for me: I told him, I could not now dispute, but it would be no great conquest to lead a single captive thorow the streets in the head of so many armed men, who neither had made resistance, nor was in any capacity to do it; and coming down stairs into the great yard, I was commanded to stand till the men were marshalled in Rank and File, and two other prisoners were brought unto me, *viz. my Landlord* Mr. *Devenish's two Sons*, but for what they knew not, nor could imagine; So away thorow the streets the armed Victors carry us, like three conquered Slaves, making us often halt by the way, that so their men might draw up in good order, to encounter with an Army of Butterflies, in case they should meet them in the way to rescue us their Captives from them; so coming to *Pauls* Church, I there meet with my Comrade M. *Prince*, and after imbraces each of other, and a little discourse, we see our acquaintance M. *William Walwin* marching at the head of another Party as a captive; and having understood that our being seised as Prisoners, was about *a new addresse by way of Petition to the Parliament, intituled, The second part of Englands new Chains discovered*; We could not but wonder at the apprehending of M. *Walwin* about that, he having for some months past (that ever I could see or hear of) never been at any of our meetings, where any such things were managed: But Adjutant General *Stubber* that was the Commander of the Party, coming then to view, I repaired to him, and desired to see his Warrant, by vertue of which his men forced me out of my bed and habitation, from my Wife and children; and his Warrant he produced, which I read, he denying me a copy of it; though both there and at *White-hall* I earnestly demanded it as my right: the substance of which, so neer as I can remember, is, From the Committee, *commonly stiled the Councel of State*, to authorise Sir *Hardresse Waller, and Colonell Edward Whaley, or whom they shall appoint, to repair to any place whatsoever, where they shall hear Lieut. Col.* John Lilburn, *and M.* Prince, *M.* Walwin, *and M.* Overton *are, them to apprehend, and bring before the Councel of State, for supposition of high Treason, for compiling, &c. a seditious and scandalous Pamphlet, intituled,* The second part of Englands new Chains discoverd. *And for so doing, that shall be their Warrant.* Signed, John Bradshaw President.

And in the same paper is contained Sir *Hardresse Wallers* and Col. *Whaley's* Commission or Deputation to Adjutant General *Stubber* to apprehend Mr. *Walwin* and my self; who with his Officers, dealt abundantly more fairly with us, then I understand Lieut. Col *Axtel* dealt with Mr. *Prince* and Mr. *Overton*; From which Lieut. Col. if there had been any harmony in his spirit to his profession, abundance more in point of civility, might have been expected, then from the other, though he fell much short.

But when we were in *Pauls* Church-yard, I was very earnest with the Adjutant General, and his Ensigne that apprehended me (as I understood by the Adjutant he was) that we might go to some place to drink our mornings draughts; and accordingly we went to the next door to the School-house, where we had a large discourse with the Officers, especially about Mr. *Devenish's* sons; we understanding they had no Warrant at all to meddle with them in the least, nor nothing to lay to their charge, but a private information of one *Bull* their Fathers tenant, between which parties there is a private difference; we told them, we could not but stand amazed, that any Officer of an Army durst in such a case apprehend the person of any Free-man of *England*, and of his own head and authority, dragging him or them out of his house and habitation, like a Traitor, a Theef, or a Rogue; and they being ashamed of what they had done to them, at our importunity, let both the young men go free. So away by water we three went to *White hall* with the Adjutant Gen. where we met with our friend M. *Overton*. And after we had staid at *White hall* till about 4 or 5 of the clock in the afternoon, we were by the foresaid Adjutant carried to *Darby-house*, where, after about an hours stay, *there were called in Lieut. Col.* Goldegue, *Cole-yard*

Coalyard keeper in Southwark, and as ſome of good quality of his neighbours do report him to have been no ſmall Perſonal Treaty man; and alſo Captain Williams, *and M.* Saul *Shoe-maker, both of Southwark, who are ſaid to be the Devills deputies, or informers againſt us*; and after they were turned out, I was called in next, and the dore being opened, I marched into the Room with my hat on; and looking about me, I ſaw divers Members of the Houſe of Commons preſent, and ſo I put it off; and by Sergeant *Dendy* I was directed to go neer M. *Bradſhaw*, that ſat as if he had been Chairman to the Gentlemen that were there preſent; between whom, and my ſelf, paſt to this following effect.

Lieut. Col. Lilburn *(ſaid he) here are ſome Votes of Parliament, that I am commanded by this Councel to acquaint you with*; which were accordingly read, and which did contain the late publiſhed and printed Proclamation or Declaration, *againſt the ſecound part of England's New Chains diſcovered*, with divers inſtructions and an unlimmited power given unto the Councel of State, to finde out the Authors and Promoters thereof, After the reading of which, M. *Bradſhaw* ſaid unto me, Sir, *You have heard what hath been read unto you, and this Councell having information that you have a principle hand in compiling and promoting this Book*, (ſhewing me the Book it ſelf,) *therefore they have ſent for you, and are willing to hear you ſpeak for your ſelf.* But I ſaw no Accuſer, proſecutor or witneſſe brought face to face, which were very ſtrange proceedings in my judgement.

Well then M. *Bradſhaw*, ſaid I, If it pleaſe you and theſe Gentlemen to afford me the ſame liberty the Cavaliers did at *Oxford*, when I was arraigned before them for my life, for levying war in the quarrel of the Common-wealth, againſt the late King and his party, (which was *liberty of ſpeech to ſpeak my mind freely without interruption*) I ſhall ſpeak and goe on, but without the liberty of ſpeach I ſhall not ſay a word more to you.

To which he replied, *That is already granted you, and therefore you may go on and ſpeak what you can or will ſay for your ſelf, if you pleaſe; or if you will not, you may hold your peace and without.*

Well then (ſaid I) M. *Bradſhaw*, with your favour, thus; I am an Engliſhman born, bred, & brought up, and England is a Nation Governed, Bounded, and Limited by Laws & liberties: and for the Liberties of England, I have both fought and ſuffered much: but truely Sir, I judge it now infinitely below me, and the glory and excellency of my late actions, now to plead merit or deſert unto you, as though I were forced toſly to the merit of my former actions, to lay in a counter-ſcale, to weigh down your indignation againſt me, for my pretended late offences: No, Sir, I ſcorn it; I abhor it: And therefore Sir, I now ſtand before you, upon the bare, naked, and ſingle account of an Engliſhman, as though I had never ſaid, done, or acted thing that tendeth to the preſervation of the liberties thereof, but yet, have done any act that did put me out of a Legal capacity to claim the utmoſt punctilio, beneſit, & priviledge that the laws & liberties of England will afford to any of you here preſent, of any other man in the whole Nation: And the *Laws and Liberties of England are my inheritance and birth right.* And in your late Declaration, publiſhed about four or five daies ago, wherein you lay down the grounds and reaſons (as I remember) *of your doing Juſtice upon the late King, and why you have aboliſhed Kingly Government, and the Houſe of Lords*, you declare in effect the ſame; and promiſe to maintain the Lawes of England, in reference to the Peoples Liberties * and Freedoms: And amongſt other things therein contained, you highly commend and extol *the Petition of Right, made in the third year of the late King*, as one of the moſt excellent and glorieſt Laws in reference to the people liberties that ever was made in this Na-

* *See* Their Declarations of the 9 *of Feb.* & the 17 of *March* 1648, in which they poſitively declare, they are fully reſolved to maintain, and ſhall and will preſerve and keep the fundamental Laws of this Nation, for and concerning the preſervation of the

live,

lives, properties and liberties of the people, with all things incident thereunto; but they of late years were never so good as their words; nor I am confident never intended to be: they having turned their backs upon common honesty, upon the Lord their strength, and made lies and falsehoods their refuge and fortress, and therefore believe them no more; for I will make it good they are worse then the King was, whose head they have chopt off, for a Traytor, and Tyrant and thereby have condemned themselves, as deserving his very punishment.

sons endowed with any power either to imprison or try me, or the meanest Free-man of England; and truly, were it not that I know the faces of divers of you, and honour the persons of some of you, as Members of the House of Commons that have stood pretty firm in shaking times to the interest of the Nation; I should wonder what you are, or before whom I am, & should not, in the least honour or reverence you so much as with Civil Respect, especially considering the manner of my being brought before you, with armed men, and the manner of your close sitting, contrary to all courts of Justice, whose dores ought alwayes to stand wide open. M. *Bradshaw*, it may be the house of Commons hath past some Votes or Orders, to authorise you to sit here for such and such ends as in their Orders may be declared: But that they have made any such Votes or Orders, legally unknown to me, I never saw them. *It is true, by common Fame you are bruted abroad and stiled a Councel of State*, but its possible common Fame in this particular may as well tell me a lye as a truth; But admit common Fame do in this tell me a truth, and no lye, but that the House of Commons in good earnest hath made you a *Councel of State*, yet I know not what that is, because the Law of England tells me nothing of such a thing; and surely if a *Councel of State* were a Court of Justice, the Law would speak something of it: But I have read both old and new Lawes, yea all of late that it was possible to buy or hear of, and they tell me not one word of you, and therefore I scarce know what to make of you, or what to think of you; but as Gentlemen that I know, I give you civill respect, and out of no other consideration: But if you judge your selves to be a *Councel of State*, and by vertue thereof think you have any power over me, I pray you shew me your Commission, that I may know the better how to behave my self before you. M. *Bradshaw*, I will not know question or dispute the Votes, or Orders of the present single House of Commons, in reference to their power, as binding Lawes to the people; yet admit them to be valid, legal, and good; their due circumstances accompanying them: yet Sir, by the Law of England let me tell you, what the House Votes, Orders, and Enacts within their walls, is nothing to me, I am not at all bound by them, nor in Law can take any cognisance of them as Lawes, although 20 Members came out of the House, and tell me such things are done, till they be published and declared by sound of Trumpet, Proclamation, or or the like, by a publike Officer or Magistrate, in the publike and open places of the Nation; But truly Sir, I never saw any Law in Print or writing, that declares your power so proclaim'd or published; and therefore Sir, *I know not what to make more of you* then a company of private men, being neither able to own you for a Court of Justice, *because*

tion; and you there very much blame, and cry out upon the King, for robbing and denying the people of England the benefit of that Law; and sure I am (for I have read and studied it) there is one clause in it that saith expressly, *That no Free-man of England ought to be adiudged for life, limbe, liberty, or estate, but by the Laws already in being established and declared:* And truly Sir, if this be good and sound Legal Doctrine (as undoubtedly it is, or else your own Declarations are false, and lies) I wonder what you Gentlemen are; For the declared and known Laws of England knows you not, neither by names nor qualifications as per-

the Law ſpeaks nothing of) as not for a Councel of State, till I ſee, and read, or hear your Commiſſion, which I deſire (if you pleaſe) to be acquainted with.

But Sir, give me leave further to aver unto you, and upon this Principle or Averment I will venture my life and being, and all I have in the world; *That if the Houſe had by a Proclaimed and declared Law, Vote, or Order, made this Councel (as you call your ſelves) a Court of Juſtice, yet that proclaimed or declared Law, Vote, or Order, had been unjuſt and null, and void in it ſelf;* And my reaſon is, becauſe the Houſe it ſelf was never (neither now, nor in any age before) betruſted with a *Law-executing power, but only with a Law-making power.*

And truly, Sir, I ſhould have look'd upon the people of this Nation as very fools, if ever they had betruſted the Parliament with a Law-executing power, and my reaſon is, becauſe, if they had ſo done, they had then choſen and impowred a Parliament to have deſtroyed them, but not to have preſerved them (which is againſt the very nature and end of the very being of Parliaments, *they being by your own declared doctrine, choſen to provide for the peoples weale, but not for their woe,* Firſt part *Declarat. pag.* 150, 266, 267, 269, 276, 279, 280, 304, 361, 382, 494, 696, 700, 716, 726.) And Sir, the reaſon of that reaſon is, becauſe it is poſſible, if a Parliament ſhould execute the Law, they might do palpable injuſtice, and *only* adminiſter it, and ſo the people would be robbed of their intended extraordinary benefit of Appeals; for in ſuch caſes, they muſt appeal to the Parliament either againſt its ſelf, or part of it ſelf; and can it ever be imagined they will ever condemn themſelves, or puniſh themſelves? *nay, will they not rather judge themſelves bound in honour and ſafety to themſelves, to vote that man a Traytor, and deſtroy him, that ſhall ſo much as queſtion their actions, although formerly they have dealt never ſo unjuſtly with them?* For this Sir, I am ſure, is very commonly practiſed now a dayes; and therefore the honeſty of former Parliaments in the diſcharge of their truſt and duty in this particular, was ſuch, that they have declared, the power is not in them to judge or puniſh me, or the meaneſt free man in *England*, being no Member of their Houſe, although I ſhould beat or wound one of their Members nigh unto their door, going to the Houſe to diſcharge his duty; but I am to be ſent in all ſuch caſes to the Judge of the upper

* Bench, unto whom by Law they have given declared rules and direction in that particular how to behave himſelf, whereunto as evident for me to know as himſelf. Now Sir, if reaſon and juſtice do not judge it convenient that the Parliament ſhall not be Judges in ſuch particular caſes, that are of ſo near concernment to themſelves, but yet hath others that are not of their Houſe, that reaſon well conceives do themſelves ſo much leſſe will reaſon or juſtice admit them to be Judges in particular caſes that are ther remote from their particular ſelves, and do meerly concern the Common-wealth; and ſure I am, Sir, this is the declared Statute Law of *England*, and doth ſtand in full force at this hour, there being, I am ſure of it, no Law to repeal it, no not ſince the Houſe of Commons ſet up their new Common-wealth. Now, Sir, from all this I argue thus, *that which is not inherent in the whole, cannot by the whole be derived or aſſigned to a part.*

But it is not inherent, neither in the power nor authority of the whole Houſe of Commons, primarily and originally to execute the Laws, and therefore they cannot derive it to a part of themſelves.

O

But yet Sir, with your favour, for all this, I would not be miſtaken, as though I maintained

* Sect. 5. H. 4. 6. & 18. H. 6. ch. 11. *See alſo my plea againſt the Lords juriſdiction before the Judges of the Kings Bench, called the Laws Funerall, pag.* 81, 91, *and my grand plea againſt the Lords juriſdiction, made before Mr. Maynard of the Houſe of Commons; and the four impriſoned Aldermen of London's plea againſt the Lords juriſdiction, publiſhed by M. Lionel Kirbin,* 1648.

ned

ned the Parliament had no power to make a Court of Justice; for I do grant they may erect a Court of Justice to administer the Law, *provided, that the Judges consist of persons that are not Members of their House; and provided, that the power they give them be universall*; that is to say, to administer the Law to all the people of *England* indefinitely, and not to two or three particular persons solely, the last of which for them to do is * unjust, and altogether out of their power. And therefore Sir, to conclude this point; *It being not in the power of the whole Parliament to execute the Law*, they can give no power to you their Members to meddle with me in the case before you; For an Ordinary Court of Justice (the proper Administrator of the Law) is the only and sole Judge in this particular; and not you Gentlemen, no nor your whole House it self. And therefore, if you be honest men, and will be as good as your words, oaths and promises, (which are to maintain the Laws, in reference to the peoples Liberties) I challenge at your hands the benefit of the Law, and not to be past upon otherwise in any kinde.

For with your favour, Mr. *Bradshaw*, the fact (for till it be judicially proved (and that must be by no other whatsoever, made *ex post facto*.

* *And therefore I aver, that the High Court of Justice that sate upon Duke* Hamilton, *the Earl of* Holland, &c. *was no Court of Justice, but in the eye of the Law murdered those Noble men; for which* Bradshaw *and the rest of his fellow Judges are not in the eye of the Law so excusable as was* Empson *and* Dudly, *that Sir* Edward Cook *speaks of in the 2. part. Instit. fo. 51. & 3 part. f.* 208. *& 4. part. Inst. fol.* 41. 196. 197. 198. *who yet lost their lives as Traitors, for subverters of the fundamentall Laws of* England.

* Rom. 4. 15. *See the 4. part of the L.* Cooks *Institutes, ch.* 1. *High Court of Parl. fol.* 37. 38. 39. 41. *See also my printed Epistle to the Speaker, of the fourth of* April, 1648. *called the Prisoners plea for an* Habeas Corpus, *p.* 5 6. *and* Englands Birth-right, *p.* 1. 2. 3. 4. *and the second edition of my Epistle to Judge* Reeves, *p.* 11. 12. 13. 14. 15. *and M.* John Wildmans *Truths Triumph, p.* 11. 12. 13. 14. *and Sir* John Maynards Case *truly stated, called* The Laws Subversion, *p.* 9. 13. 14. 15. 16. 38.

* *See the Petition of Right, in the* 3. *C. R. and my Book called the peoples Prerogative, p.* 44. 45. 46. 47. 48. *&* 56. *&c. Yea, I say, that if the Generall take away by Martiall Law, the life of* Laughorn, *&c. now in time of Peace, the Courts of Justice being open, he murders him or them, and ought to die therefore.*

And therefore, Sir, if this be true, as undoubtedly it is; then I am sure, you Gentlemen, have no power in Law to convene me before you for the pretended crime laid unto my charge; much lesse to fetch me by force out of my habitation by the power of armed men: For Sir, let me tell you, The Law of *England* never made Colonels, Lieutenant Colonels, Captains, or Souldiers, either Bailiffs, Constables, * or Justices of Peace: And I cannot but wonder that you should attach me in such a manner as you have done, considering that I have all along adhered to the Interest of the Nation against the common Enemy (as you call them) and never disputed, nor contemned any Order or Summons from Parliament, or the most irregularest of their Committees, but always came to them when

when they ſent for me, although their Warrant of Summons was never ſo illegall in the forme of it; and I have of late in a manner *de die in diem*, waited at the Houſe dore, and was there that day, the Vores you have read, paſt, till almoſt twelve a clock; *and I am ſure there are ſome here preſent whoſe Conſcience I beleeve tells them, they are very much concerned in this Book now before you*) that ſaw me at the dore, and ſtared wiſhfully upon me as they went into the Houſe; and I cannot but wonder there could be no Civil Officer found to ſummon me to appear; but that now, when there is no viſible hoſtile enemy in the Nation, and all the Courts of Juſtice open, that you (that have no power at all over me) *muſt ſend for me by a hundred or two hundred Armed Horſe and Foot, as though I were ſome monſtrous man, that with the breath of my mouth were able to deſtroy all the Civil Officers that ſhould come to apprehend me*; Surely I had not endeavoured to fortifie my houſe, againſt you, neither had I betaken my ſelf to a Caſtle, or a defenced Garriſon in hoſtility againſt you, that you need to ſend a hundred or two hundred armed men to force me out of my houſe, from my wife and children, by four o'r five a clock in the morning, to the diſtracting and affrighting of my wife and children: Surely *I cannot but look upon this irregular, unjuſt, and illegal hoſtile action of yours, as one of the fruits and iſſues of your new created Tyranny, to amuſe and debaſe my ſpirit, and the ſpirits of the People of this Free Nation, to fit me and them for bondage and ſlavery*: This being the very practiſe of the Earl of *Strafford* before you, as M. *Pym* in his declaration againſt him, doth notably obſerve. And Sir, give me leave further to tell you, that for divers hundreds of men that have often been in the field with their ſwords in their hands, to encounter with hoſtile enemies, and in their engagements have acquitted themſelves like men of valour, and come out of the field conquerours; for theſe very men to put themſelves in Martial Array *againſt four Miſe or Butterflyes*, taking them captives, and as captives lead them through the ſtreets, me thinks is no ſmall diminution to their former Martial Atchievements and Trophies: And therefore to conclude this, *I do here before you all, proteſt againſt your power and Juriſdiction over me in the caſe in controverſie; And alſo doe proteſt againſt your Warrant you iſſued out to apprehend me; And againſt all your martial and hoſtile acts committed towards me, as illegal, unjuſt, and tyrannical, and no way in Law to be juſtified*: Further telling you that I ſaw moſt of the Lord of *Strafford's* arraignment, and (if my memory fail me not) as little things as you have already done to me, were by your ſelves laid to his charge, as acts of Treaſon; For which I ſaw him loſe his head upon Tower-hill as a Traytor: And I doubt not for all this that is done unto me, but I ſhall live to ſee the Laws and Liberties of *England* firmly ſetled, in deſpite of the preſent great oppoſers thereof, and to their ſhame and confuſion: and ſo M. *Bradſhaw* I have done with what I have now to ſay.

Upon which M. *Bradſhaw* replied, *Lieu. Col.* Lilburn, *you need not to have been ſo earneſt, and have ſpent ſo much time in making an Apologetical defence; for this Councel doth not go about to try you, or challenge any juriſdiction to try you, neither doe we ſo much as aſk you a queſtion in order to your tryal, and therefore you may correct your miſtake in that particular.*

Vnto which I ſaid, Sir, by your favour, if you challenge no Juriſdiction over me, no not ſo much as in order to a tryal, *what do I here before you? or what do you in ſpeaking to me?* But Sir, ſeeing I am now here, give me leave to ſay one word more, and that is this; I am not onely in time of peace (the Courts of Juſtice being all open) fetcht and forc't out of my houſe by multitudes of armed men, in an hoſtile manner, and carried as a captive up and down the ſtreets, contrary to all Law and Juſtice, but I am by force of Armes ſtill kept in their cuſtody, and it may be, may be intended to be ſent to them again, who are no Guardians of the Law of *England*, no nor ſo much as the meaneſt Adminiſtrators or executors of it, but ought to be ſubject to it themſelves, and to the Ad-

miniſtrators of it, (as is cleer by the Petition of Right, &c.) yea the General himſelf. And truly, Sir, I had rather die, then baſely betray my Liberties into their martiall fingers (who after their fighting for our Freedoms, would now deſtroy them, and tread them under their feet) that have nothing at all to do with me, nor any pretended or re-till civill offender in *England*. I know not what you intend to do with me, neither do I much care; having learned long ſince to die, and rather for my Liberties, then in my bed. Its true, I am at preſent in no capacity effectually to diſpute your power, becauſe I am under guards of armed Musketiers; but I intreat you, if you will continue me a priſoner, that *you will free me from the military Sword*, and ſend me to ſome Civil Gaol; and I will at preſent in peace and quietneſſe obey your command, and go. And ſo I concluded, and was commanded to withdraw, which I did; and then Mr. *William Walwin* was called in: and while he was within, I gave unto my Comrades Mr. *Prince*, and Mr. *Overton*, and the reſt of the people, a ſummary account of what had paſt between me and them: And within a little time after Mr. *Walwin* came out again, and Mr. *Overton* was called in next: And at Mr. *Walwin*'s coming out he acquainted us what they ſaid to him, which was in a manner the ſame they ſaid to me; and all that he ſaid to them was but this, That he did not know why he was ſuſpected. To which Mr. *Bradſhaw* replyed, *Is that all you have to ſay?* And Mr. *Walwin* anſwered, Yes. So he was commanded to withdraw.

And after M. *Overton* was come out, M. *Prince* was called in, and after he had withdrawn, they ſpent ſome time of debate among themſelves, and then I was called in again; *So I marched in Sutable to my firſt poſture*, and went cloſe to M. *Bradſhaw*, who ſaid unto me to this effect: *Lieut. Colonel* Lilburn, *this Councel hath conſidered what you have ſaid, and what they have been informed of concerning you, and alſo of that duty that lies upon them by the command of the Houſe, which enjoynes them to improve their utmoſt ability to find out the Author of this Book; and therefore to effect that end, they judge themſelves bound to demand of you this queſtion: Whether you made not this Book, or were privie to the making of it or no?*

And after ſome pauſe, and wondring at the ſtrangeneſs of the queſtion, I anſwered and ſaid, M. *Bradſhaw*, I cannot but ſtand amazed that you ſhould ask me ſuch a queſtion as this, at this time of the day, conſidering what you ſaid unto me at my firſt being before you; and conſidering it is now about eight yeers ago ſince this very Parliament annihilated the Court of *Star-chamber*, *Councel board*, *and High Commiſſion*, and that for ſuch proceedings as theſe *. And truly, Sir, I have been a conteſtor and ſufferer for the Liberties of *England* theſe twelve yeers together, and I ſhould now look upon my ſelf as the baſeſt fellow in the world, if now in one moment I ſhould undo all that I have been doing all this while; which I muſt of neceſſity do, if I ſhould anſwer you to queſtions againſt my ſelf: For in the firſt place, by anſwering this queſtion againſt my ſelf, I ſhould betray the Liberties of *England*, in acknowledging you to have legall Juriſdiction over me, to try and adjudge me; which I have already proved to your faces you have not in the leaſt: And if you have forgot what you ſaid to me thereupon, yet I have not forgot what I ſaid to you. And Secondly, Sir, If I ſhould anſwer to queſtions againſt my ſelf, and ſo betray my ſelf, I ſhould do that which not onely Law, but Nature abhorrs: And therefore I cannot but * wonder that you your ſelves are not aſhamed to demand ſo illegall and unworthy

* *See the Acts that aboliſhed them, made in the* 16 C.R. *printed in my Book called* The peoples Prerogative, *p.* 22. 23. 24. 25.

* *And well might I, for* M. John Cook *and* M. Bradſhaw *himſelf were my Counſel at the Lords Bar, againſt the Star-chamber,*

unworthy a thing of me as this is, and therefore in short, were it that I owned your power (which I do not in the least) I would be hanged, before I would do so base and un-Englishman-like an Action, to betray my Liberty; which I must of necessity do, in answering questions to accuse my self: But Sir, this I will say to you, My late Actions have not been done in a hole, or a corner, but on the house top, in the face of the Sun, before hundreds and some thousands of people; and therefore why ask you me any questions? Go to those that have heard me, and seen me, and it is possible you may finde some hundreds of witnesses to tell you what I have said and done; for I hate holes and corners: My late Actions need no covers nor hidings, they have been more honest then so, and I am not sorry for what I have done; for I did look well about me before I did what I did, and I am ready to lay down my life to justifie what I have done: And so much in answer to your question.

But now Sir, with your favour, one word more, to minde you again of what I said before, in reference to my Martiall imprisonment: and truly Sir, I must tell you, Circumstantials of my Liberty, at this time, I shall not much dispute; but for the Essentials of them I shall die. I am now in the Souldiers custodie, where to continue in silence and patience, is absolutely to betray my Liberty: for they have nothing to do with me, nor the meanest free man of *England* in this case: And besides, Sir, they have no rules to walk by, but their wils and their swords, which are two dangerous things; it may be, I may be of an hasty cholerick temper, and not able nor willing to bear their affronts; and peradventure they may be as willing to put them upon me, as I am unwilling to bear them: and, for you in this case to put fire and tinder together to burn up one another, will not be much commendable, nor tend much to the accomplishment of your ends: But if, for all this, you shall send me back to the Military Sword again, either to *Whitehall*, or any other such like garison'd place in *England*, *I do solemnly protest before the Eternall God of heaven and earth*, I will fire it, and burn it down to the ground, if possibly I can, although I be burnt to ashes with the flames thereof; for Sir, I say again, the Souldiers have nothing to do to be my Gaolers; and besides, it is a *maxime* among the souldiers, *That they must obey* (*without dispute*) *all the Commands of their Officers, be they right or wrong*; and it is also a *maxime* amongst the Officers, *That if they do not do it, they must hang for it*: therefore if the Officers command them to cut my throat, they must either do it, or hang for it. And truly Sir, (looking wishly upon *Cromwel*, that sate just against me) I must be plain with you, I have not found so much Honour, Honesty, Justice or Conscience in any of the principall Officers of the Armie, as to trust * my life under their protection, or to think it can be safe under their immediate fingers; and therefore not knowing, nor much caring what you will do with me, I

the 13 *of Feb.* 1645. *where M.* Bradshaw *did most excellently open the Star-chamber injustice towards me; and at the reading of their first Sentence, he observed to the Lords, that that Sentence was* felo de se, *guilty of his own death; the ground whereof (said he) being because M.* Lilburn *refused to take an oath to answer to all such questions as should be demanded of him*, it being contrary to the Laws of God, Nature, and the Kingdom, for any man to be his own Accuser: *Whose words you may more at large read in the printed Relation thereof, drawn up by M.* John Cook, *and my self, p.* 3. *But he that condemned it in the Star-chamber, now practiseth it in the Councel of State: but the more base and unworthy man he for so doing.*

* *And truly, I am more then afraid honest Capt.* Bray *hath too much experience of this at* Windsor *Castle, who though he be but barely committed thither into safe custody, yet (as I from very good hands am informed) the Tyrannicall Governour* Whichcock, Cromwels *crea-*

sure, doth keep him close prisoner, denying him the benefit of the Castle air, keeping not only pen and ink from him, but also his friends and necessaries; with which cruelty (viz. he hath already almost murdered and destroyed the honest man: in whose place were I, and so illegally and unjustly used, a tune, (if possibly I could) should be the portion of my chamber, although I perished in it.

earnestly intreat you, if you will again imprison me, send me to a Civil Gaol that the Law knows, as New-gate, the Fleet, or the Gate-house, and although you send me to a Dungeon, thither will I go in peace and quietnesse, without any further dispute of your Authority; for when I come there, I know those Gaolers have their bounds and limits set them by the Law, and I know how to carry my self towards them, and what to expect from them; and if they do abuse me, I know how in law to help my self. And so Sir, I have said what at present I have to say. Whereupon Mr. *Bradshaw* commanded the Sergeant to put me out at another door, that so I should no more go amongst the people; and immediately Mr. *Walwin* was put out to me; and asking him what they said to him, I found it to be the same in effect they said to me, demanding the same fore-going question of him, that they did of me: to which question, (after some kinde of pause) he answered to this effect, *That he could not but very much wonder to be asked such a questions; however, that it was very much against his judgement and conscience to answer to questions of that nature, which concerned himself; that if he should answer to it, he should not only betray his own Liberty, but the Liberties of all English men, which he could not do with a good conscience; And he could not but exceedingly grieve at the dealing he had found that day; That being one who had always been so faithfull to the Parliament, and so well known to most of the Gentlemen there present, and that nevertheless he should be sent for with a party of Horse and Foot, to the affrighting of his Family and ruine of his credit; And that he could not be satisfied, but that it was very hard measure to be used thus upon suspicion only: And that if they did hold him under restraint from following his business and occasions, it might be his undoing, which he conceived they ought seriously to consider of.*

Then M. *Bradshaw* said, He was to answer the question, and that they did not ask it as in way of Tryal, so as to proceed in Judgment thereupon, but to report it to the House. To which M. *Walwin* said, *That he had answered it so as he could with a good conscience, and could make no other Answer*, and so withdrew.

And after he came out to me, Mr. *Overton* was next called in again, and then Mr. *Prince*; so after we were all come out, and all four in a room close by them, all alone, I laid my ear to their door, and heard Lieutenant General *Cromwell* (I am sure of it) very loud, thumping his fist upon the *Council Table*, till it rang again, and heard him speak in these very words, or to this effect; *I tell you, Sir, you have no other way to deal with these men, but to break them in pieces*: and thumping upon the *Council Table* again, he said, *Sir, Let me tell you that which is true, if you do not break them, they will break you; yea, and bring all the guilt of the bloud and treasure shed and spent in this Kingdom, upon your heads and shoulders; and frustrate and make void all that work that with so many yeers industry, toil and pains you have done, and so render you to all rationall men in the world, as the most contemptible generation of silly, low-spirited men in the earth, to be broken and routed by such a despicable contemptible generation of men as they are: And therefore, Sir, I tell you again, you are necessitated to* * *break them.* But being a little disturbed by the supposition of one of their Mes-

* Reader, Observe I pray that this 40 headed Tyrant called the Council of State, are under an oath of Secresie; so that if the Cromwellitish Faction plot there the ruine and destruction of the Nation, or all the honest men in it, the rest that do not consent with them, must not reveal it. But the more unworthy men are they amongst them that profess to be lovers of their Country to take such a wicked oath of secresie.

Meſſengers coming into the room, I could not ſo well hear the Anſwer to him, which I think was Colonel *Ludlow*'s voice, who preſſed to bail us; for I could very well hear him ſay, *What would you have more then ſecurity for them?* Upon which diſcourſe of *Cromwel*'s, the bloud ran up and down my veins, and I heartily wiſhed my ſelf in againſt amongſt them, (*being ſcarce able to contain my ſelf*) that ſo I might have gone five or ſix ſtories higher then I did before, yea, as high as I intended when I came to their door, and to have particularly paid *Cromwel* and *Haſlerig* to the purpoſe, for their late venome, not onely againſt me in the Houſe, but my whole Family; *Haſlerig* ſaying (as I am informed) in the open Houſe, *There was never a one of the* Lilburns *Family fit or worthy to be a Conſtable in England*; though I am confident there is not the worſt of us alive that have ſerved the Parliament, but he is an hundred times more juſt, honeſt and unſpotted then he himſelf, as in due time I ſhall make it appear, by Gods aſſiſtance (I hope) to his ſhame. But the fair carriage of the Gentlemen of the ſuppoſed Councel to me at the firſt, took off the height of the edge of my Spirit, and intended reſolution; which (it may be) they ſhall have the next time to this effect: *You your ſelves have already voted the People, under God, the Fountain and Originall of all juſt Power*; and if ſo, then none can make them Laws, but thoſe that are choſen, impowred and betruſted by them for that end: And if that be true, as undoubtedly it is, I deſire to know how the preſent Gentlemen at *Weſtminſter* can make it appear they are the Peoples Repreſentatives, being rather choſen by the Will of him, whoſe head as a Tyrant and Traytor they have by their Wils chopt off, (*I mean the King*) then by the People: whoſe Will made the Borough towns to chuſe Parliament men, and thereby robb'd about nineteen people of this Nation of their undubitable and inherent right, to give to a ſingle man in twenty for number (in reference to the whole Nation) a Monopoly to chuſe Parliament men; diſ-franchiſing thereby the other nineteen: And if ſo in any meaſure, then upon their own declared Principles, they are no Repreſentative of the People, no nor was not at the firſt. Again, the King ſummoned them by his Writ (the iſſue of his will and pleaſure; and by vertue of that they ſit to this hour, and ſo are rather his Parliament, then the Peoples. Again, the King by his Will and pleaſure combines with them by an Act to make them a perpetual Parliament (one of the worſt and tyrannicalleſt actions that ever he did in his life) to ſit as long as they pleaſed; *which he nor they had no power to do in the leaſt*; the very conſtitution of Parliaments in England *being to be once every year, or oftner, if need require. Quære.* Whether this Act of perpetuating this Parliament by the Parliament men themſelves, beyond their Commiſſion, *was not an act in them of the higheſt Treaſon in the world againſt the People and their Liberties, by ſetting up themſelves an Arbitrary power over them for ever*; which is the greateſt ſlavery can be exerciſed upon the ſons of men: Yea, and thereby razing the foundation and conſtitution of Parliament it ſelf: And if ſo, then this is null, if at the firſt it had been any thing.

Again, if it ſhould be granted this Parliament at the beginning had *a legal conſtitution from the people* (*the original and fountain of all juſt power*) yet the Faction of a trayterous party of Officers of the Army, hath twice rebelled againſt the Parliament, and broke them to pieces and by force of Armes culled out whom they pleaſe, and impriſoned divers of them and laid nothing to their charge, and have left onely in a manner a few men, (beſides 12 of themſelves *viz.* the *General, Cromwel, Ireton, Harriſon, Fleetwood, Rich, Ingolsby, Haſlerig, Conſtable, Fennick, Walton*, and *Allen Treaſurer*;) of their own Faction behind them that will like Spanel-dogges ſerve their luſts and wills; yea ſome of the chiefeſt of them, *viz. Ireton, Harriſon, &c. yea, M. Holland himſelf, ſtiling them a mocke Parliament, a mocke*

Power

power at Winſor, yea it is yet their expreſſions at London; And if this be true that they are a mocke power and a mocke Parliament; then,

Quere, Whether in Law or Juſtice, (eſpecially conſidering they have fallen from all their many glorious promiſes, and have not done any one action that tends to the Univerſal good of the people, and abſolutely degenerate into pure tyrany, and thereby, have loſt the eſſence and ſoul of authority, and are become but a dead and ſtincking Carkeſs) Can thoſe Gentlemen ſitting at *Weſtminſter* in the Houſe, called the Houſe of Commons, be any other then a Factious company of men trayterouſly combined together with *Crumwel*, *Ireton*, and *Harriſon*, to ſubdue the Lawes, Liberties, and Freedoms of *England*; (for no one of them proteſts againſt the reſt) and to ſet up an abſolute and perfect Tyranny of the Sword, will and pleaſure, and abſolutely intend the deſtroying the Trade of the Nation, and the abſolute impoveriſhing the people thereof, to fit them to be their Vaſſels and Slaves? And if ſo, then,

Quere, *Whether the Free-People of England, as well Souldiers as others, ought not to contemn all theſe mens commands, as invalid and illegal in themſelves, and as one man to riſe up againſt them as ſo many profeſſed traytors, theeves, robbers* * *& high way men, & apprehend, ſecure and bring them to Juſtice in a new Repreſentative, choſen by vertue of a juſt Agreement among the people, there being no other way in the world to preſerve the Nation but that alone, the three forementioned men*, viz. *Cromwel, Ireton, and Harriſon*, (the Generall being but their ſtalking Horſe, and a Cipher) and there trayterous faction,** having by their wills and Swords, got all the Swords of *England* under their command; and the diſpoſing of all the great places in *England* by ſea and land, and alſo the pretended law executing power, by making among themſelves (contrary to the Lawes and Liberties of *** *England*) *all Judges, Juſtices*

* *For Magiſtacy going beyond its bounds and limits, and ſetting up their wills and luſts are no more Magiſtrates but Beares and Wolves, and ſo may be reſiſted; for theſe three things out of the Parliament and Armies Declarations I will prove to be good and ſound doctrine, conſonant to reaſon and ſcripture*, viz. *firſt that all Magiſteriall power in England what ever, are at moſt but Officers of truſt and expreſly bound up with this limitation, to be exerciſed for the good and wel fair of the truſters; Secondly, that it is poſſible that all, or any, of the ſeveral Magiſterial truſtees may forfeit their or its truſt; Thirdly, that in caſe of forfeiting the Magiſterieal truſt, the truſters the people are diſobliged from their obedience and ſubjection, and may lawfully doe the beſt they can for their own preſervation, and their Magiſtrates puniſhment.: See the firſt part of the Parliaments Declarations, pag.* 81. 150. 201. 207. 264. 267. 270. 276. 304. 492. 494. 629. 690. 694. 696. 699. 700. 701. 726. 728. *See the Armies booke, Declaration pag.* 26. 34. 38, 39. 40, 41. 60. 61, 62 66. 141. 143, 144. *See alſo King James opinion betwixt a Real King and a Tyrant, in his ſpeech to the Parliament* 1609. *See my Book called*, The Out-crys of oppreſſed Commons *pag.* 16. 17. 18. *and regall Tyranny; pag.* 32. 33, 34, 35. &c. 59 60. 61, 62. *but to behead the King for Tyranny and Treaſon, who was fenced about with the Letter of multitude of Lawes, puts this out of all diſpute.*

** *For the greateſt Traytors they are that ever were in this Nation, as upon the loſſe of my head I* Ioh. Lilburn *will by law undertake to prove and make good before the next free and juſt Parliament to whom I hereby appeal.*

*** *For the people being in reaſon, juſtice and truth, as well as by the Parliaments late votes, the true fountain, and original of all juſt power, they ought not only in Reaſon, Right, and Juſtice, chuſe their own law makers, but all and every of their law executors, and to obey none what ſoever but of their own*

Justices of Peace, Sheriffs, Bailiffes, Committee-men, &c. to execute their wils and tyranny, walking by no limits or bounds, but their own wils and pleasures: And trayterously assume unto themselves a power to levie upon the people what money they please; and dispose of it as they please, yea, even to buy knives to cut the peoples throats that paythe money to them, and to give no account for it till Dooms-day in the afternoone; they having already in their wills and power to dispose of *Kings, Queens, Princes, Dukes, and the rest of the Childrens Revenues; Deans and Chapter lands, Bishops lands, sequestered Deliquents lands, sequestred Papists lands, Compositions of all sorts, amounting to millions of money*; besides Excise, and Customs; yet this is not enough, although if rightly husbanded, it would constantly pay above one hundred thousand men, and furnish an answerrable Navy thereunto: But the people must now after their trades are lost, and their estates spent to procure their liberties & freedoms, be sessed about 100000. pound a month, that **** so they may be able like so many cheaters and and State theeves, to give 6. 8. 10. 12. 14. 16000. pounds apeice over again to one another, as they have done already to divers of themselves, to buy the Commonwealths lands one of another, (contrary to the duty of Trustees, who by law nor equity can neither given or sell to one another) or two or three,

choice, and it is not only their right by reason and justice; but Sir Ed. Cooke *in his second part Institu.* (published for good Law by this present house of Commons) *declares and proves Fol. 174. 175. 558. 559. that by law it was and is, the peoples right to chuse their Coroner, Justices, or conservators of the Peace; as also their high Sheriff and Verderors of Forest; and saith he there expressly for the time of War, there were likewise Leaders of the Countreys Souldiers of Ancient time, chosen by the Free-holders of the county: but it's true, the chief of these things were expressly taken from the people, and invested in the King by the Statute of the 27. Hen. 3 chap. 24. and therefore Kingly government being abolished, the right is returned into the people, the king or fountain of power, and cannot be exercised as a new devise by the Parliament, although they were never so legally and Justly chosen by them without a conference with the other upon, & a power deputed to them for that end as Sir* Edward Cooke *declares in the 4 part of his Institutes* chap. High Court of Parliament. Fol. 14. 34. *therefore I do hereby declare all the present Parliaments Justices, Sherifs &c. to be no Justices, Sherifs &c. either in law or reason, but meer tyrants, invaders and usurpers of their power and authority; and may very well in time come to be hanged for executing their pretended offices.*

**** *But saith there own Oracle, Sir* Ed. Cook *in the 4 part of his institutes chap.* High Court of Parliament. *Fol. 14. 34. it is also the Law and custome of Parliament, that when any new device is moved on the Kings behalf in Parliament for his aid or the like, the Commons may answer, that they tendred the Kings estate, and are ready to aide the same, only in this new device they dare not agree without conference with their countries; whereby it appeareth (saith he) that such conference is warrantable by the law and custome of Parliament, and this was done in the Parliament of the 9 Ed. 3 numb. 5 but the present Parliament assume unto themselves the regall office in the height, and therefore ought not to be their own carvers in reference to the peoples purses, but ought to demand and obtaine their consents (especially in time of peace) before they levie either 90000 pounds per month, or any such like new device whatever; and therefore I know neither law equity or reason to compel the people to pay a penny of it; unlesse they have a desire to bring themselves into the same condition in reference to the present Parliament that the Egyptians were to* Pharoah, *when* Joseph *was so hard hearted as to make the Egyptians to pay so dear for bread-corn, that it cost them all their money, and all their cattle, yea all their lands and also themselves for his slaves.* Gen. 47. 14. 15. 16. &c. *for which tyranny God plagued him and his posterity by making themselves to the Egyptians afterwards*

three yeers purchase the true and valuable rate considered, as they have already done, and to give 4 or 5000l. *per annum* over again to King *Crumwell*, with ten or twenty thousand pounds worth of wood upon it) as they have done already out of the Earl of *Worcesters* estate, &c. Besides about four or five pounds a day he hath by his places of Lieut. Generall, and Colonel of Horse in the Army (besides the extraordinary advancement of many of his kindred, that so they might stick close to him in his tyranny) although he were at the beginning of this Parliament but a poor man, yea, little better then a begger (to what he is now) as well as other of his neighbours.

But to return, those Gentlemen that would have had us bailed lost the day, by one vote as we understood, for all their wicked oath of secrecy, and then about 12. at night, they broke up, (a fit hour for such works of wickednesse, *John* 3.19. 20. 21.) and we went into their pretended Secretary, and found our commitments made in these words, our names changed, *viz.*

These are to will and require you, to receive herewith into your custody, the Person of Lieu. Col. John Lilburn, *and him safely to keep in your Prison of the Tower of* London, *un'ill you receive further order, he being committed to upon suspition of high Treason, of which you are not to fail, and for which this shall be your sufficient Warrant; given at the Councel of State at Derby-house* 28. *day of* March, 1649.

To the Lieu. of the Tower of *London*,

Signed in the name, and by the Order of the Councel of State, appointed by authority of Parliament. *Jo. Bradshaw. President.*

Note that we were committed upon Wensday their fast day, being the best fruits that ever any of their fasts brought out amongst them, viz. *To smite with the fist of wickednesse.* For the illegallity of this warrant, I shall not say much, because it is like all the rest of the warrants of the present House of Commons, and their unjust Committees; whose Warrants are so sufficiently anatomized by my *quondam* Comrade M. *John Wildeman*, (though much degenerated) his Books, called *Truths Triumph, and the Laws subversion*, being Sir *John Maynard's* Case truly stated; and by my self, in my late plea before the Judges of the Kings Bench, now in print, and intituled *The Laws Funerall*, that it is needlesse to say any more of that particular; and therefore to them I refer the Reader.

But to go on: When we had read our Warrants, we told Mr. *Frost*, we would not dispute the legality of them, because we were under the force of Guards of armed Musketiers: So some time was spent to finde a man that would go with us to prison; Captain *Jenkins* (as I remember his name) being Captain of the Guard, and my old and familiar acquaintance, was prevailed with by us, to take the charge upon him, who used us very civilly, and gave us leave that night (it being so late) to go home to our Wives, and took our words, with some other of our friends then present, to meet him in the morning at the Angel Tavern neer the Tower; which we did accordingly, and so marched with him into the Tower; where coming to the Lieutenants House, and after salutes each of other, with very much civility, the Lieutenant read his Warrants: and Mr. *Walwin*, as our appointed mouth, acquainted him that we were Englishmen, who had hazarded all we had for our Liberties and Freedoms for many yeers together, and were resolved

(though

(though Priſoners) not to part with an inch of our Freedoms, that with ſtrugling for we could keep; and *therefore we ſhould neither pay Fees nor chamber-rent, but what the Law did exactly require us; neither ſhould we eat or drink of our own coſt or charges, ſo long as we could faſt:* telling him, it was our unqueſtionable right by Law, and the cuſtom of this place, to be provided for out of the publick Treaſure, although we had never ſo much money in our pockets of our own, *which he granted to be true*; and after ſome more debate, I told him, we were not ſo irrationall, as to expect that he out of his own money ſhould provide for us: but the principall end of our diſcourſe with him was, to put words in his mouth from our ſelves (he being now our Guardian) to move the Parliament or Councel of State about us, which he hath acquainted us he did to the Councel of State; who, he ſaith, granted, the King or former times uſed to provide for the Priſoners: But I ſay, they will not be ſo juſt as he was in that particular; although they have taken off his head for tyranny, yet they muſt and will be greater Tyrants then he; yea, *and they have reſolved upon the Queſtion, that he ſhall be a Traytor that ſhall but tell them of their Tyranny, although it be never ſo viſible:* But let me tell them, that ſaying of Mr. *John Cook* their Soliciter general, in his Book, called the Kings caſe ſtated, is moſt true, That *in condemning the King for tyranny, they have already paſt Sentence againſt themſelves when they tyrannize.* But I ſay, and will make it good upon my life before competent Judges, that they are greater Tyrants then the King was, and the Ring-leaders of them better deſerved his puniſhment of loſſe of their heads, then he did; for he never made ſuch profeſſions of Libertie and Juſtice to the People as they have done, but always maintained the people had no ſhare in Government; and that for his miſgovernment he was accountable to none but God: and yet I will juſtifie it, their actions are as wicked as his: yea, I will maintain it, that the cruel tyrant Duke *D'Alva* ſo much mentioned in *Edmond Grimſtons* generall Hiſtory of the *Neather-Lands, lib. 9.* who with his High Court of Juſtice, or Counſell of State, put above eighteen thouſand to death under pretence of Juſtice in leſs then five yeers, *fol. 435. 462.* was more excuſable then the Leaders of theſe men: Yea, bloudy Qu. *Mary* (in compariſon) was a Saint to theſe men, who never went about to burn or hang the Martyrs, but for tranſgreſſing a Law in being; yea, and let them enjoy open tryals according to Law: but theſe men would hang us for Traitors, although we have tranſgreſſed none of their Laws; yea, and in the night, contrary to Law, in a cloſe room examine us againſt our ſelves, without producing face to face either proſecutor, accuſer or witneſſe, yea, or ſo much as laying any crime unto our charge, our chiefeſt Adverſaries being our Judges. Wherefore, *Hear O heavens, and give ear O earth.*

So now I have brought the Reader to my old contented lodging in the Tower; where, within two or three days of our arrivall there, came one M. *Richardſon* a Preacher amongſt thoſe unnatural, un-Engliſh-like men, that would now help to deſtroy the innocent, and the firſt promoters in *England* (as *Cromwels* beagles to do his pleaſure) of the firſt Petition for a perſonal Treaty, almoſt two yeers ago, *and commonly ſtile themſelves the Preachers to the ſeven Churches of Anabaptiſts:* which *Richardſon*, pretending a great deal of affection to the Common-wealth, to *Cromwel*, and to us; and preſt very hard for union and peace (and yet by his petition ſince this, endeavours to hang us) telling us, men cryed mightily out upon us abroad for grand diſturbers, that ſought *Cromwels* bloud for all his good Service to the Nation, and that would center nowhere, *but meerly labored to pull down thoſe in power, to ſet up our ſelves:* And after a little diſcourſe with him, being all four preſent, and retorting all he ſaid back upon thoſe he ſeemed to plead for, before ſeverall witneſſes, we appealed to his own conſcience to this effect,

whether those could intend any hurt or tyranny to the people, that desire, and earnestly endeavoures for many years together, that all Magistrates hands might be bound and limited by a just law and rule, with a penalty annexed unto it, that in case they out-strip their rule, they might forfeit life and estate therefore, and that all Magistrates might be chosen by the free people of this Nation by common consent, according to their undubitable right, and often removed, that so they might not be like standing waters, subject to corruption; and that the people might have a plain easie, short, and known Rule amongst themselves to walk by, administred in their own Countries; but such men were all we; and therefore justly could not be stiled disturbers of any, but onely such as sought to rule over the people by their absolute Wills and pleasures, and would have no bounds or limits but their lusts, and so sought to set up a perfect tyranny, which we absolutely did, and still do charge upon the great men in the Army, *viz. Cromwel, Ireton, Hasletrig, Harrison* &c. and are ready before indifferent Judges to make it good. And as for seeking our selves, we need no other witnesses but some of our present adversaries in the House, whose great proffered places, and courtship by themselves and their Agents some of us have from time to time slighted, scorned, and contemned, *till they would conclude to come to a declared and resolved center, by a just Agreement of the People*; there being no other way now in the world *to make this Nation free, happy or safe*, but that alone. And as for *Cromwels* blood, although he had dealt basely enough with some of us in times by-past, by thirsting after ours, without cause; of whom (if revenge had been our desire) we could have had it the last yeer to the purpose, especially *when his quondam Darling, Maj.* Huntington, (*Maj. to his own Regiment*) *impeached him of Treason to both Houses*: yet so deer was the good of our Native Country to us, to whom we judged him then a serviceable Instrument to ballance the Scots, that we laid all revenge aside, hoping *his often dissembled Repentance was real indeed*; and Mr. *Holland* himself (now his favorite) if his 1000. or 1500. l. *per annum* of the Kings Lands, that now he injoys, did not make him forget himself, can sufficiently testifie and witness our unwearied and hazardous Activity for *Cromwels* particular preservation the last yeer, when his great friends in the House durst not publickly speak for him.

And whereas it is said we will Center nowhere, we have too just cause to charge that upon them; the whole stream of all our Actions (as we told *Richardson*) being a continued Declaration of our earnest desires to come to a determinate and fixed center: one of us making sufficient propositions to that purpose to the Councel of State at our last being there, and all our many and late proffers as to that particular, they have hitherto rejected, as no ways consistent with their tyrannical and selvish ends and designes: and given us no other answer in effect, but the sending our bodies prisoners to the Tower: and therefore we judged it infinitely below us (as we told him) and that glorious cause, *the Peoples Liberties and Freedoms, that we are now in bonds for*) and for which we suffer, to send any message but a defiance by him or any other to them. Yet to let him know (as one we judged honest, and our friend) we were men of reason, moderation, and justice, and sought nothing particularly for our selves more then our common share in the common freedom, tranquillity, and peace of the land of our Nativity: We would let him know, we had a two fold Center, and if he pleased of and from himself to let our Adversaries know, we were willing our adversaries should have their choise to which of the two they would hold us to.

And therefore said we in the first place, *The Officers of the Army have already compiled, and published to the view of the Nation, an Agreement of the people*, which they have presented

to

to the present Parliament; against which we make some exceptions, which exceptions are contained in our Addresses: Now let them but mend their Agreement according to exceptions, and so far as all our interest extends in the whole Nation, we will acquiesce and rest there, and be at peace with them, and live and dye with them in the pursuance of those ends; and be content for *Cromwel* and *Iretons* security, &c. for the blood of war shed in time of peace at *Ware*, or any thing else; and to free our selves that we thirst after none of their blood, but onely our just Liberties (without which we can never sit down in peace) That there shall be a clause, *to bury all things in oblivion, as to life and liberty, excepting onely estate*; that so the Common-wealth may have an account of their monies in Treasurers hands, &c.

Or secondly, if they judge our exceptions against their Agreement (or any one of them) irrational, let them chuse any 4 men in England, & let *Cromwel & Ireton be 2 of them*, & take the other 2 where they please, in the whole Nation, & we 4 now in prison, wil argue the case in reason with them, and if we can agree, there is an end, as to us, & all our interest; but in case we cannot, let them (said we all) chuse any 2 membes of the House of Commons, & we will chuse 2. more, *viz.* Col. *Alex. Rigby*, & Col. *Henry Martin*, & to be final umpires betwixt us: & what they, or the major part of them determine, as to us (in relation to an *Agreement*) and all our interest in the whole land, we will acquiesce in, be content with, and stand to without wavering: and this we conceive to be as rational, just, and fair, as can be offered by any men upon earth: and I for my part, say and protest before the Almighty, I will yet stand to this, and if this will content them, I have done; if not, fall back, fall edge, let them do their worst I for my part bid defiance to them, *assuredly knowing, they can do no more to me, then the Devil did to Job*; for resolved by Gods assistance I am, to spend my heart blood against them, if they will not condesend to a just *Agreement* that may be good for the whole Nation; that so we may have a speedy new and as equall a Representative as may be, chosen by those that have not fought against their freedoms, although I am as desirous the Cavaliers should enjoy the benefit of the Law, for the protection of their persons and estates, as well as my self. *I know they have an Army at command, but if every hair on the head of that Officer or Souldier they have at their command were a legion of men, I would fear them no more then so many straws*; for the Lord *Jehovah* is my rock and defence, under the assured shelter of whose wings, I am safe and secure, *and therefore will sing and be merry*; and do hereby sound an eternal trumpet of defiance to all the men and devils in the earth and hell, but onely those men who have the image of God in them, and demonstrate it among men, by their *just, honest, merciful and righteous actions*. And as for all those vild aspertions their saint-like Agents have fixed upon me of late, I know *before God none is righteous no not one, but only he that is clothed with the glorious righteousnesse of Jesus Christ*, which I assuredly know my soul hath been, and now is clothed with, in the strength of which I have walked for above 12 years together, and through the strength of which, I have been able at any time in all that time, to lay down my life in a quarter of an hours warning. But as to man I bid defiance to all my Adversaries upon earth, to search my wayes and goings with a candle, and to lay any one base Action to my charge in any kind whatsoever, since the first day that I visibly made profession of the fear of God, which is now about twelve yeers; yea, I bid defiance to him or them, to proclaim it upon the house top, provided he will set his hand to it, and proclaim a publike place, where before indifferent men, in the face of the Sun, his accusation may be scand; yea, I here declare, that if any man or woman in England, either in reference to my publike actions, to the States money, or in reference to my private dealings in the world shall come in and prove against me, that ever I defrauded him, or her of twelve pence, and

for every twelve pence that I have so done, I will make him or her twenty shillings worth of amends, so far as all the estate I have in the world will extend.

Courteous Reader, and deer Countryman, excuse I beseech thee my boasting and glorying, for I am necessitated to it, my adversaries base and lying calumniations puting me upon it, and *Paul* and *Samuel* did it before me: and so I am thine, if thou art for the just Freedoms and liberties of the land of thy Nativity,

From my rejoycing captivity (for bearing witnesse against Tyranny in whomsoever I find it) in the Tower of London *April* 3. 1649

JOHN LILBURN, *that never yet changed his principles from better to worse, nor could never be threatned out of them, nor courted from them, that never feared the rich nor mighty, nor never despised the poor nor needy, but alwayes hath and hopes by Gods goodness to continue semper idem.*

Postscript.

COurteous Reader, I have much wondred with my self, what should make most of the Preachers in the Anabaptists Congregations so mad at us four, as this day to deliver so base a Petition, in the intention of it against us all four; (who have been as hazardous Sticklers for their particular liberties, as any be in England); and never put a provocation upon them that I know of, especially, considering the most, if not all their Congregations, (as from divers of their own member I am informed) protested against their intentions openly in their Congregations, upon the Lords day last, and I am further certainly informed that the aforesaid Petition the Preachers delivered, is not that which was read by themselves amongst the people; but another of their own framing since, which I cannot hear was ever read in any one of their Congregations: so that for the Preachers viz. M. Kiffin, *M.* Spilsbury, *M.* Patience, *M.* Draps, *M.* Richardson, *M.* Constant, M. Wayd the Schoolemaster, &c. *to deliver it to the Parliament in the name of their Congregations; they have delivered a lye and a falshood, and are a pack of fauning daubing knaves for so doing, but as I understand from one of* M. Kiffins *members,* Kiffin *himself did ingeniously confesse upon the Lords day last, in his open Congregation, that he was put upon the doing of what he did by some Parliament men, who he perceived were willing and desirous to be rid of us four, so they might come off handsomely without too much losse of credit to themselves: and therefore intended to take a rise from their Pettition to free us, and for that end it was, that in their Petition read in the Congregations, after they had sufficiently bespattered us, yet in the conclusion they beg mercy for us; because we had been formerly active for the publike*

Publick. Secondly, I have been lately told, Some of the Congregationall Preachers are very mad at a late publiſhed and licenſed Book, ſold in Popes-head Alley, and the blue Anchor in Cornhill, intituled, The vanity of the preſent Churches; *ſuppoſing it to be the Pen of ſome of our Friends, and therefore out of revenge might petition againſt me: I confeſſe, I have within a few hours ſeen and read the Book, and not before; and muſt ingenuouſly confeſſe, it is one of the ſhrewdeſt Books that ever I read in my life, and do beleeve it may be poſſible they may be nettled to the purpoſe at it; but I wiſh every honeſt unbyaſſed man in England would ſeriouſly read it over.*

April 4. 1649. JOHN LILBURN.

I Shall deſire to acquaint the Reader, that when the Title page of the fore-going Book was firſt ſet, there was an abſolute determination to have re-printed all our Examinations together; but for ſome weighty reaſons the intentions are altered; and becauſe I underſtand that the fury, rage and bloud-thirſtineſſe of *Cromwell, Ireton, Haſterig,* and *Harriſon* is moſt at me, right or wrong to deſtroy me and have my bloud, I am determined, by Gods aſſiſtance, to fill their hands as full with my own pen, as all the brains I have can fill them; and to make them pay a valuable price, if poſſibly I can, for every hair of my head. And in order to my future intentions, I ſhall here annex my Outcryes againſt the Biſhops, when they had like to have murdered me in the Fleet, being printed at *Amſterdam* 1639, intituled

A CRY FOR JUSTICE:

OR;

An Epiſtle written by John Lilburn, To all the grave and worthy Citizens of the famous City of *London*, but eſpecially to the Right honorable *Maurice Abbot*, Lord Maior thereof,

The moſt miſerable and lamentable complaint of that inhumane, barbarous, ſavage and unparaleld cruelty and tyranny, that is cauſeleſly, unjuſtly, and wrongfully exerciſed upon me John Lilburn *a faithfull Subject to my Prince, Country, and a Prentiſe of this Honorable City, though now a moſt deplorable cloſe priſoner in the common Gaol of the Fleet.* 1639.

MOſt Honorable and Noble Lord, The chief cauſe wherefore God the wiſe Governour of Heaven and Earth, did appoint Magiſtrates, was for the good of the ſons of men, and that they ſhould do Juſtice betwixt a man and his neighbour, and that they ſhould hear the grievances of the oppreſſed, and deliver them from the cruelty of their oppreſſors.

That

That wrong, violence and injustice that I have suffered, would be now too long to relate in particular: but it being so insupportable, made me to publish it abroad unto the view of the world, to the perpetuall infamy of my tormentors, the chief of which are the traiterous, bloody, murthering Prelates.

The story of my former misery and wrongs you may, if you please, read at large in three severall Books of mine now in print, and published to the view of England, Scotland, Ireland and Holland. They are called *My unjust Censure in the Star-chamber*, *My Speech at the Pillory*, and *My mournfull Lamentations*. I have not seen them since they were put in print, because the Prelate of Canterbury wrongfully detains well nigh two thousand of them from me: but there are still many thousands of them behinde; and I doubt not but some, who pities my afflicted estate, will convey some of them unto your Lordships hands: In the last of which I have proved, that I am more cruelly dealt with, then bloudy *Bonner* dealt with the poor Saints and Martyrs in Queen *Mary's* dayes, and that I am denyed that which in England was never yet denyed to any Traytor that ever I read of. And in it I accuse *William Laud* the Prelate of Canterbury for High Treason; the which I did a yeer agone before Sir *John Banks* Knight, and will still venture my life upon the proof thereof, if I may have a Legall proceeding. One ground of my accusation is this; the Parliament Laws and Statutes of this Land, as the 25 and 37 of *Hen.* 8. and the first of *Edw.*6. and the first and 27 of *Elizabeth*, doth enact to this effect, *That whosoever goes about to set up or challenge any forrain or domestick Ecclesiastical Jurisdiction, but what doth immediately flow and come from the Imperiall Crown, is* (ipso facto) *a Traitor, and ought to die without the benefit of Clergie*, as more at large in them you may read. Now the Bishop of Canterbury and the rest of his mercilesse brethren, about four yeers agone, in the Censure of that Noble Doctor *Bastwick*, (now of late much degenerate) there in their open Court at Lambeth, renounced the King and his Authority, and said, *They were not beholding to him for their Episcopall Jurisdiction; for they were made Bishops by Jesus Christ, and consecrated by the holy Ghost, and they had their thrones, and were before Christian Kings, and they held the Crowns of Kings upon their heads; and their Maxime was, No Bishop, no King.* And if this be not treason, then I think there was never any committed: And this, with much more to this effect, Doctor *Bastwick* doth declare in his answer to Sir *John Banks* his Information (as you may read in the tenth and eleventh pages thereof.) And for this (most Noble Lord) was I, against all Law and Justice, laid in irons for a long time together, in a most inhumane manner, and lock'd up close prisoner for these twelve months together, against all Law, and to the violating of the Subjects Libertie: for by *Magna Charta*, and other Statutes of this Land, which are still in force, but onely the execution of them is thrown in the kennell, neither the Lord Keeper, nor any others ought to commit any of the Kings Subjects close prisoners, unless either for Felony or Treason, and onely in case of an extraordinary crime; and then they must forthwith bring them to their tryall: But by close imprisonment the Law doth not mean that the Kings Subjects should be locked up in rooms; much lesse, that their friends should not be suffered to come to speak with them, and bring them victuals to preserve their lives, as grave Judge *Crook*, not long since, in his Speech at Westminster-Hall did prove, when he pleaded for the Subjects Liberty. *But contrary to the Parliament Laws, yea, and the practice of Heathens and Pagans, I am locked up close all alone, and cannot be suffered to come to a just tryall*; but am kept up so close, that my friends and acquaintance that bring me relief (I being long since deserted of my Kindred) are not suffered to come at me, but are sent away with that they bring me, with all the abuses, reproaches, and revilings that possible may be, by my Keeper. And one that came unto me he hath beaten, and others he hath

threatned

threatned to kick if they come any more to me; and to others of them he hath most falsly and slanderously reviled me, calling me Rebell and Traytor, telling them that no victuals should come at me: so that I am forced daily, in regard of barbarous cruelty, to cry outs aloud at my iron grate, to the prisoners and strangers, to let them know the height of my misery wherein I live: and yet no redresse can I have, but daily more and more cruelty is exercised upon me, and many grievous threats from bloudy murthering *Morry* my keeper, who threatens to hamper me, and lock my head and legs together for my complaining: This he did the last Lords day at night, and also offered to beat me with his keys, in so much, that at ten a clock at night I was forced to cry out to the prisoners of it. And in this most miserable condition do I remain, though I have been dangerously sick almost these eleven months, which many times hath brought me even unto deaths door; and in regard of my exceeding extremity of pain in my head, by reason of my long closeneſſe ever since Candlemass Term was twelve months, and my cruell torments besides, I have been constrained (for to get a little ease of my extream pain, which in sudden fits takes me for two or three hours together) to be tied to a constant course of Physick usually once in fourteen dayes, and sometimes oftner: And though of late I had a little liberty to walk once a day in the common prison yard; yet I am now deprived of it by the Warden for complaining of my keepers cruelty, and his shamefull abusing me, and my friends which did but come to look upon me; with whom this was my greatest discourse, that I had tied my self by promise, before I could get that little liberty of walking, that I would not talk with any Friends; therefore I desired them not to be offended, for I durst not talk with them: Yet because they came but to see me, I was deprived of it; and also they that looked to me in my sickneſſe and weakneſſe kept from me; so that now in my weakness I have none to look to me. In my *Grievous and mournfull Complaint* already published, I have a little touched the Wardens galled conscience for his cruell oppressions: wherefore he in revenge (it seems) intends to murther me, lest I should by my just complaints make it cost him as dear as the salving up of his wickednesse did, when he was last called to an accounte; for I have heard the prisoners with open mouth proclaim it, that for making his peace, he gave to the Earl of *Bohon* ten thousand pounds, and to the fore-man of the Jury one thousand pounds; for which his conscience being troubled, he revealed it upon his death bed: And also to an Officer five hundred pounds to raſe out some things which were upon record: yea, I have heard the poor Prisoners proclaim it aloud, that he cozens them of above seven hundred pounds a yeer which belongs to them; and allows them but a small pittance, upon which they are not able to live; and some of them have severall times in the open Chappel cryed out to the Gentlemen prisoners, that they are ready to starve and perish for want of food; yea, so great hath been the barbarous cruelty of the Warden to the poor, that (if the Prisoners reports may be beleeved) poor men here have been forced, for want of food, to eat their own dung: And this had been my own condition, in likelyhood, had not God raised up some compassionate Friends, that were meer strangers unto me before my sufferings; some of which, through all difficulties and reproaches from my Keeper, have brought me food. And though the poor have not by the Wardens means the tenth part of their due, yet to lessen that small means which the poor hitherto hath had (some of which have nothing else in the world to live upon) he hath of late added unto them so many more, (some of which are men of able estates) which he hath put upon the charity, contrary to their Orders, purposely to starve the poor indeed: yea, he hath by force put upon the charity *Henry* the Hangman, who is under-Turn-key, and hath forty pound land a yeer, as he himself confesseth; and

whose

whose railes besides, as I have heard the prisoners say, are some times better worth then three shillings a day; and this the warden hath done for him, because he is so officious and ready in beating and abusing the poor distressed prisoners, that cry out of the wardens cruelty; and not only the poor prisoners, but also some of those that come to visit and relieve them, some of which he hath beat, and threatned to kick others.

I have heard the prisoners affirm that the revenues of the Fleet hath been cast up to be above three score thousand pounds a yeer; oh therefore the height of cruelty not to be paralell'd, I think amongst the savage, and barbarous Heathens and Pagans, and which mightily crys unto your Honor, now in our Soveraigns absence, for the welfare of the City, belongs to be looked unto, and with the assistance of the Noble Lord Protector, to examine out the truth of things, that poor oppressed men may have speedy redress of their wrongs; the greatest part of which, ariseth by reason of the wardens greatnesse with the Bishop of *Canterbury* and the Lord Keeper, so that they dare not for fear (as I have heard some of them say) complain of him.

Besides my Lord it is notoriously known, that *John Morry* my upper keeper hath been arraigned at Newgate for murthering a prisonet here in former times, and I think here are other fresh things against him, if poor prisoners might be heard and have justice, which would bear another inditement, and at least manifest him to be too too bloudy a man to have the keeping of poor innocent men; for some in this prison, as it is here reported have been secretly poysoned and left their lives upon it, and others with eating garlike, and like antidotes have expelled it, and are yet living here to justifie the same; and my dogged under keeper hath been a hangman; whereupon the prisoners at their fallings out with him, do say this verse to his face (*viz*) *Morry* the Irish pedler, and *Harry* the hangman of Cambridge-Shiere, and by these two bloody men, from both of which I have received unsufferable wrongs, my Adversaries intend I shall be killed in a corner.

Because of my untainted innocency, they dare not bring me to a legall publike tryal to the view of the Kingdom; wherefore I am forced by reason of intolerable cruely injustice and wrong, to cry out unto your Honour, as I have often done at my grate, murther, murther, murther; therefore hear O Heavens, and give care O Earth, and all ye that hear or read this my just complaint and lamentation, bear witnesse to future generations, that I cry out of violence, wrong, injustice, cruelty, and inhumanity, that I suffer from the trayterous Bishop, and the unjust Lord Keeper, old Sir *Henry Vaine*, and their bloody Jaylours, which do and will execute their commands, be they never so unjust and unlawfull. And how that for my zeal and courage for my God and his truth and glory, and for my ardent love to my Prince and Country, and for my strong desire and indeavour for the prosperity and flourishing estate of this renowned City, the Metropolis of England, I am like to lose my life and blood by murthering cruelty in close Imprisonment; Therefore, oh all ye brave and worthy Citizens, save, help and rescue me a poor distressed and greatly oppressed young man, from the devouring pawes of devouring Lionish men.

Now my Honorable Lord, I come to make my humble supplication unto your self, which is this; that you would be pleased to take my most deplorable condition into your grave and serious consideration, and after your consultation about it, with your worshipfull brethren the Aldermen of this City, acquaint the honourable Lord protector that noble and courteous Earl of *Northumberland*, with it (who in part knows it already) but alas alas, I am long since deserted of my kindred and friends, so that I have none that dare follow my businesse for me; wherefore I am like shortly to perish in my

great

great distress unless your Lordships be pleased in this particular to do something for me.

I desire from your Honours neither silver nor gold, for alas at present it would do me no pleasure; for had I all treasure in the world to buy me victuals, and want a stomack when I should have them, they would nothing avail me: and yet so lamentable is my condition, by reason of my longe closeness and painfull sickness; so that all the favour I desire is but the one of these two things. First that if I be thought to be an offender; that then I may be forthwith brought to a publick tryal, and suffered with freedom to pleade my own just cause again the Bishops, and the Lord Keeper, and old Sir *Henry Vane*'s illegall and unjust censure of me which was onely upon this ground: because I refused to take an illegall and unlawfull inquisition oath, which he the Lord Keeper tendred to me, which as I told him to his face in the Star-chamber is against the Statute Lawes of this land; yea against the petition of right, enacted in the 3 yeer of our Soveraign King CHARLES; yea I told him and proved it to be against the Lawes of God and man, and contrary to the practise of the Heathens and Pagans; (as you may read in the *Acts* of the *Apostles*) yet this was the onely ground wherefore he and old Sir *Henry Vane*, &c. censured me to pay 500 pound, and to be whipt; for there was no witness brought against me face to face, onely there was read two false oaths made by one *Edmond Chillington* (now a Lieut. in Col. *Whalyes* Regiment, and one of the principal men that lately caused the Souldier to be shot to death at *Pauls*) whom the Bishop hired, by giving him his liberty out of New-gate prison for swearing those two false oaths, and doing them other wicked service of the like nature.

My Lord for my own part I desire no mercy nor favour nor compassion from the greatest of my enemies, but onely the benefit of my Soveraignes Lawes, which as I am a faithfull and loyal subject to my Prince and Contry, I do according to my priviledge earnestly crave and begg not fearing by reason of my unspotted Innocency the rigour of Justice; for my innocency is such that I fear neither death nor hell, men nor Devills, hanging nor burning; for I assuredly know that when this my miserable life is ended I shall go to my God of glory to be a possessour of an immortall Crowne of glory.

In the second place, if they will not let me have a speedy and legal tryall, then therefore in regard my keepers are such murthering, poysoning and starving fellowes, that I have just cause, in regard of their cruell bloudy threats and inveterate malice at me, to fear that they will either secretly by poison, or else by other wicked cruelty put me to death. I humbly and earnestly desire, that I may be turned over to Bridwell, Newgate, either of the Countors, or any other ptison about this City, where my friends may be suffered to come to me and relieve me, and look to me in my weakness and great distresse; for I am necessitated with speed to take physick again to ease the extremity of pain which I endure in my head; if my Friends according to law and humanity might be suffered to come to look to me. And for my safe imprisonment, if I may be removed I will put in sufficient security either to the L. Protector, or your self for my forth-coming at all times to answer whatsoever the greatest or capitallest of my enemies shall at any time object against me.

Now, my Lord, I have a little acquainted you with my grievous and just complaint, the particulars of which I offer to justifie and prove, it being such an example of cruelty which is lawlesly and unjustly exercised upon me, which I think cannot be parallell'd in any Nation in the world, where morality and humanity are professed.

Oh therefore, as you are the Noble Governour of this Renowned City, and a Magistrate of good report, make me some powerfull and speedy help against the cruel Warden, whose lawless, unjust, and uncontrollable oppressions are so great (not only to me, but also to many other poor prisoners) that I think no Prison in the world is able to parallel those just complaints that poor distressed men are able justly to make against him; the chief of which arise from the Bishop, old Sir *Henry Vane*, and the Lord Keeper's bearing up the Warden in all his cruelty, for executing with tyranny and rigour their unjust and unlaw-

full Commands upon those they commit hither to be tormented in our cruel Fleet Purgatory: which if any of the oppressed do but offer to speak of, the Warden and his Officers do labour by lawlesse cruelty to murther them.

Therefore it behoves you, my Lord, and my Lord Protector, now in our Soveraignt absence [being then gone against the Scots] to hear the cryes of poor distressed, and too too much oppressed prisoners, and to ease them according to justice and right, of their intolerable burthens.

For my own part, my distresses and miseries are so great, that I protest before the God of heaven and earth, that I had rather imbrace present death, then still endure the piercing bitternesse of my oppressing torments: yea, I had rather chuse to be banished into the howling and doleſom wildernesse, and left among the Lions, Dragons, Bears and Wolves, those devouring and ramping wilde beasts, then to be as I am, in the custody of the lawlesse, murthering Bishop and Jaylors.

O therefore, if there be any bowels of mercy and compassion in you, most Noble Lord, pity the deprorable condition of me a poor distressed innocent young man, and a Prentice of this Honourable City: And with you, my Lord, I have had occasion to speak face to face about my Masters businesse; and the last piece of service that I did him was in your Honours House. O that I were with you again, that I might with mournfull sollicitations sollicite you for some speedy redresse; which for our Christ his sake I beseech you let me shortly have, lest the continuance in my present and constant misery, cause me to publish this in print, proclaiming it aloud to other Nations, to the publick view of all men, that so they may know my miserable condition. But if I can but have any redresse I shall be ready at your Honours command to do you any service that I am able; and in the interim, I shall with willingnesse sit down in peace and silence. So committing you and all your brave Citizins to the keeping of the Almighty Protector, desiring him to guide your Noble heart upright ly to execute Justice and Judgment in your great place, in these tormenting, oppressing and bloudy times; that so your good name for equity and justice may be had in perpetuity in future generations. So for the present I humbly take my leave, and rest,

Your most miserable distressed, and cruelly oppressed poor Suppliant,
JOHN LILBURN.

All of this I subscribe with my own bloud, which is already almost shed with cruelty: And for the safety of my life, since I was whipt, to the number of above 500 stripes with knotten whip-cords in lesse then an hours space, I have been forced to be let bloud four times.

And because in my most cruell condition I am not suffered to have either pen or ink, neither of which I make use of in the writing of this, I am forced to send it very ruggedly to your Honour, and to crave pardon for those literal faults that you shall finde in it.

From the Fleet, the oppressingest and cruellest prison (I think) that is in the world; the middle of this fifth Month, called *May*, 1649. JOHN LILBURN.

Courteous Reader, I shall desire thee to cast thy eye seriously upon this ensuing Letter of mine and my fellow-prisoner, Mr. Richard Overton, *which we wrote to the Generall the* 27. *of* April 1649, *in the behalf of Captain* Savages *Troopers: the Copy of which is as followeth.*

The

The Copy of a Letter written to the Generall, from Lieut. Col. *Jo. Lilburn* and M. *Rich. Overton*, Arbitrary and Aristocratical prisoners in the Tower of *London*, the 27 of *April* 1649, in behalf of Mr. *Robert Lockier*, tyrannycally ordered to be murdered by the Councel of War: M. *George Ash*, M. *Joseph Hockley*, M. *Robert Osburn*, Mr. *Matth. Heyworth*, Mr. *Tho. Goodwin*, all of Captain *Savage* his Troop in Col. *Whaley's* Regiment; who by the said Councel were adjudged to cast lots for their lives, and one of them to die.

In which it is by Law fully proved, that it is both Treason and Murder for any Generall or Councel of War to execute any Souldier in time of Peace, by Martiall Law.

May it please your Excellency,

WEe have not yet forgot your Solemn Engagement of *June* 5. 1647, whereby the Armies continuance as an Army was in no wise by the wil of the State, but by their own mutuall Agreement: and if their ſtanding were removed from one Foundation to another (as is undeniable) then with the ſame they removed from one Authority to another; and the Ligaments and Bounds of the Firſt were all diſſolved, and gave place to the Second; and under, and from the head of their firſt Station, *viz.* By the will of the State, the Army derived their Government by Martiall Law; which in Judgment and Reaſon could be no longer binding then the Authority (which gave being thereto) was binding to the Army: for the denyal of the authority is an Abrogation or Nulment of all Acts, Orders, or Ordinances by that Authority, as to them: And upon this account your Excellency with the Army long proceeded upon the Conſtitution of a new Councell and Government, contrary to all Martiall Law and Diſcipline, by whom onely the Army engaged to be ordered in their proſecution of the ends, to wit, Their ſeveral Rights, both as Souldiers and Commoners, for which they aſſociated; Declaring, agreeing and promiſing each other, not to Disband, Divide, or ſuffer themſelves to be Disbanded or Divided, without ſatisfaction and ſecurity, in relation to their Grievances and Deſires in behalf of themſelves and the Common-wealth, as ſhould be agreed unto by their Councell of Agitators. And by vertue, and under colour of this Eſtabliſhment, all the extraordinary Actions by your Excellency, your Officers, and the Army have paſt: Your refuſall to Disband, diſputing the Orders of Parliament; Impeachment and ejection of Eleven Members; your Firſt and Second March up to *London*; your late violent Excluſion of the major part of Members out of the Houſe, and their impriſonment without Cauſe declared, &c. which can no way be juſtified from the guilt of High Treaſon, but in the accompliſhment of a righteous end, *viz.* The enjoyment of the benefit of our Laws and Liberties, which we hoped long ere this to have enjoyed from your hands: Yee when we conſider, and herewith compare many of your late carriages both towards the Souldiery and other Free-People; and principally your cruel exerciſe of Martiall Law, even to the Sentence and execution of Death upon ſuch of your Souldiers as ſtand for the Rights of that Engagement, &c. And not only ſo, but againſt others not of the Army; we cannot but look upon your defection and Apoſtacie in ſuch dealings, as of moſt dangerous conſequence to all the Laws and Freedoms of the People.

And therefore, although there had never been any ſuch ſolemn Engagement by the Army, as that of *June* 5. 1647. which with your Excellency in point of duty and conſcience ought not to be of the meaneſt obligation. We do proteſt againſt your exerciſe of Martiall Law, againſt any whomſoever, in time of peace, where all Courts of Juſtice are open, as the greateſt encroachment upon our Lawes and Liberties that can be acted againſt us;

And particularly, against the Tryal of the Souldiers of C. *Savages* Troop yesterday, by a Court Martiall, upon the Articles of Warre, and sentencing of two of them to death; and for no other end (as we understand) but for some dispute about their pay: And the reason of this our Protestation, is from the Petition of Right, made in the third yeer of the late King, which declareth, *That no person ought to be adjudged by Law Martiall, except in times of Warre; And that all Commissions to execute Martiall Law in times of Peace, are contrary to the Lawes and Statutes of the Land.* And it was the Parliaments complaint, That Martiall Law was then commanded to be executed upon Souldiers for Robbery, Mutiny, or Murder. Which Petition of Right, this present Parliament in their late Declarations of the 9. of Feb. and the 17. of March, 1648. commend as the most excellentest Law in England, and there promise to preserve inviolably, it, and all other the Fundamentall Laws and Liberties, concerning the preservation of the Lives, Properties, and Liberties of the people, with all things incident thereunto. And the Exercise of Martiall Law in Ireland, in time of Peace, was one of the chiefest Articles for which the Earl of Strafford lost his head; The same by this present Parliament being judged high Treason. And the Parliament it self, neither by Act nor Ordinance, can justly or warrantably destroy the Fundamentall Liberties and Principles of the Common Law of England: It being a *maxime* in Law and Reason both, that all such Acts and Ordinances, are *ipso facto*, null, and void in Law, and binds not at all, but ought to be resisted, and stood against to the death. And if the supreme Authority may not presume to do this, much lesse may You, or Your Officers presume thereupon; for where remedy may be had by an ordinary course in Law, the party grieved shall never have his recourse to extraordinaries. Whence it is evident, that it is the undoubted Right of every Englishman (Souldier or other) that he should be punishable onely in the ordinary Courts of Justice, according to the Lawes and Statutes of the Realme in the time of Peace, as now it is; and the extraordinary way by Court Martiall, in no wise to be used.

Yea, the Parliaments Oracle, S. *Ed. Cook*, Declares in the third part of his *Institutes* Cap. of *Murther, that for a General or other Officers of an Army, in time of Peace to put any man, (although a Souldier,) to death, by colour of Martiall Law, it is absolute murther in that Generall, or Councell of War &c.* Therefore erecting of Martiall Law now, when all Courts of Justice are open, and stopping the free current of Law, which sufficiently provides for the punishment of Souldiers as well as others, (as appears by 18. H. 6: Ch. 18, 19. & 2, & 3. Ed. 6. Cha. 2. 4, & 5. P. & M. Chap. 3. & 5. Eliz. 5. & 5. Jam. 21.) is an absolute destroying of our Fundamentall Liberties, and the razing of the Foundation of the Common Law of England, the which out of duty and Conscience to the Rights and Freedoms of this Nation [illegible] we value above our lives) and to leave You and all Your Councell without all excuse, we are moved to present unto your Excellencie; Earnestly pressing, you well to consider what you doe, before you proceed to the taking away the lives of those men by Martiall Law; least the blood of the Innocent, or the blood of War shed in the time of peace, (and so palpable subversion of the Lawes and Liberties of England) bring the reward of just vengeance after it upon you, as it did upon the Earle of Strafford of old: for innocent blood God will not pardon, *Gen.* 9 5. 6. 1 *Kings* 2 v. 4. 5. 28, 29, 30, 31, 32, 33. and what the people may do (in case of such violent subversion of their Rights) we shall leave to your Excellency to judge, and remaine

Sir,

Your Excellencies humble Servants,

John Lilburn.

Richard Overton.

From our Causelesse, unjust, and Tyranical Captivity in the Tower of London, April 27. 1649.

POSTSCRIPT. And that for the present General or his Councel to put any man to death in time of peace by Martiall Law, is not only Murder, but Treason, is undenyably proved in Capt. *John Ingrams* Plea, and M. *William Tompsons* Plea, and M. *John Crosmans* Plea; all of which are printed at large in Lieut. Col. *John Lilburn's* Book, called